

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 09-253
V.	*	SECTION: "S"
	*	
EBER ADOLFO RIVERA ORTEZ	*	
	*	
	*	

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proven beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations charged by the Indictment now pending against the defendant:

The Defendant, **EBER ADOLFO RIVERA ORTEZ** (hereinafter "**RIVERA**"), has agreed to plead guilty as charged to the one-count Indictment charging him with fraud and misuse of an alien registration receipt card, in violation of Title 18, United States Code, Section 1546(a).

Records from United States Immigration and Customs Enforcement (hereinafter "ICE") would be introduced to show that the defendant, **RIVERA**, is a citizen and

national of Honduras. An ICE Special Agent would testify as to the ICE records concerning the defendant and would specifically testify that a search of the relevant records revealed the defendant was not lawfully admitted to the United States.

An official with United States Citizenship and Immigration Services (hereinafter “CIS”) would testify that Alien Registration Receipt Cards, also known as Permanent Resident Cards or “Green Cards”, are issued to individuals who lawfully apply for and are granted Lawful Permanent Resident status by CIS. The CIS official would testify that Alien Registration Receipt Cards are issued to Lawful Permanent Residents for entry into and evidence of authorized stay and employment in the United States. The CIS official would testify each person granted Lawful Permanent Resident status is issued an Alien Registration number, which is printed on the Alien Registration Receipt Card issued to that person. The CIS official would further testify that the issuance of Alien Registration Receipt Cards is administered by CIS, an agency of the United States Department of Homeland Security, and is regulated by CIS and ICE.

An ICE Immigration Enforcement Agent and witnesses from U. S. Coast Guard would testify that on or about August 12, 2009, in the Eastern District of Louisiana, **RIVERA** was found to be in knowing possession of an Alien Registration Receipt Card in the name “**Ever Adolfo Rivera**” with the Alien Registration number A 091-519-303. The witnesses would testify that the Alien Registration Receipt Card contained a photograph of an individual who appeared to be the defendant. The ICE Immigration

Enforcement Agent would testify that the defendant identified himself as **RIVERA**.

Records from CIS and ICE would be introduced to show the defendant, **RIVERA**, did not lawfully apply for nor receive Lawful Permanent Resident status under his true identity **Ever Adolfo Rivera**. The CIS official would also testify that Alien Registration number A 091-519-303 printed on the Alien Registration Receipt Card found in the defendant's possession is false and there is no record of that number in the CIS or ICE records.

A forensic specialist from the ICE Forensic Document Laboratory would testify that he conducted physical, microscopic, instrumental and comparative examinations of the Alien Registration Receipt Card found in RIVERA's possession and it is counterfeit. He would further testify that the document does not contain genuine security features and was produced using incorrect methods.

W. SCOTT LARAGY
Assistant United States Attorney

Date

EBER ADOLFO RIVERA ORTEZ
Defendant

Date

CLAUDE JOHN KELLY, III
Attorney for Defendant

Date